

claim is patentable, without specifically pointing out how the design is patentable over the prior art, does not comply with the rules.

In all cases where the examiner has said that a reply to a requirement is necessary, or where the examiner has indicated patentable subject matter, the reply must comply with the requirements set forth by the examiner, or specifically argue each requirement as to why compliance should not be required.

In any communication with the Office, applicant should include the following items:

1. Application number (checked for accuracy).
2. Group art unit number (copied from filing receipt or the most recent Office action).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.

It is applicant's responsibility to make sure that the reply is received by the Office prior to the expiration of the designated time period set for reply. This time period is set to run from the "Date Mailed," which is indicated on the first page of the Office action. If the reply is not received within the designated time period, the application will be considered abandoned. In the event that applicant is unable to reply within the time period set in the Office action, abandonment may be prevented if a reply is filed within six months from the mail date of the Office action provided a petition for extension of time and the fee set forth in 37 CFR § 1.17(a) are filed. The fee is determined by the amount of time requested, and increases as the length of time increases. These fees are set by Rule and could change at any time. An "Extension of Time" does not have to be obtained prior to the submission of a reply to an Office action; it may be mailed along with the reply. See insert for schedule of current fees. Note: an extension of time cannot be obtained when responding to a "Notice of Allowance."

To ensure that a time period set for reply to an Office action is not missed; a "Certificate of Mailing" should be attached to the reply. This "Certificate" establishes that the reply is being mailed on a given date. It also establishes that the reply is timely, if it was mailed before the period for reply had expired,

and if it is mailed with the United States Postal Service. A "Certificate of Mailing" is not the same as "Certified Mail." A suggested format for a Certificate of Mailing is as follows:

"I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Design, Commissioner for Patents, Washington, D.C. 20231, on (DATE MAILED)"

(Name - Typed or Printed) Mary Kiser Graham

Signature Mary K. Graham

Date August 12, 2003

If a receipt for any paper filed in the USPTO is desired, applicant should include a stamped, self-addressed postcard, which lists, on the message side applicant's name and address, the application number, and filing date, the types of papers submitted with the reply (i.e., 1 sheet of drawings, 2 pages of amendments, 1 page of an oath/declaration, etc.) This postcard will be stamped with the date of receipt by the mailroom and returned to applicant. This postcard will be applicant's evidence that the reply was received by the Office on that date.

If applicant changes his or her mailing address after filing an application, the Office must be notified in writing of the new address. Failure to do so will result in future communications being mailed to the old address, and there is no guarantee that these communications will be forwarded to applicant's new address. Applicant's failure to receive, and properly reply to these Office communications will result in the application being held abandoned. Notification of "Change of Address" should be made by separate letter, and a separate notification should be filed for each application.

Reconsideration

Upon submission of a reply to an Office action, the application will be reconsidered and further examined in view of applicant's remarks and any amendments included with the reply. The examiner